

REMARKS/ARGUMENTS

This Amendment is submitted in response to the Office Action dated July 28, 2005, within the three-month period for reply extending to October 28, 2005. The status of the claims is summarized below.

5 Claims 1, 16, 35 are currently amended.

 Claims 2-15, 17-34 and 36-42 are pending as originally submitted.

 Claims 1-42 are pending after entry of this Amendment.

Specification Amendment:

 In the Specification, page 1 line 13, please remove "June 30, 2003" and insert
10 June 18, 2003 to reflect the appropriate filing date of U.S. Patent Application No.
10/463,525.

Drawings:

 A complete set of formal drawings is being submitted along with this response,
with a separate cover addressed to the Official Draftsperson. Thus, compliance with the
15 Examiner's request for formal drawings is now complete.

Rejections under 35 U.S.C. §§ 102(e) /103(c): regarding Boyd 6,626,743

 The present application, assigned to Lam Research Corporation, was filed on
September 29, 2003 and claims priority back to June of 2002. U.S. Patent 6,626,743
20 ('743) issued September 30, 2003 and is assigned to Lam Research Corporation.

 Independent claims 1, 16, and 35 have been amended to further define a
proximate location of the claimed invention as "between a fluid delivery device and a
wafer carrier". The apparatus of '743 follows the application area (polishing region)
and is therefore *after* (or downstream of) the carrier head, not "between a fluid delivery
25 device and a wafer carrier" as claimed in the present application. Accordingly, the

Section 102(e) rejection is no longer applicable, as the '743 patent fails to teach each and every element of the claimed invention.

Where an application and a patent are commonly owned by the same assignee due to each inventor's obligation to assign and subject matter qualifies as prior art under 35 U.S.C. §102(e)/103(c), the cited art shall not preclude patentability under 35 U.S.C. §103(c). The present application has an earlier filing date (9/29/03) than the issue date of the '743 patent (9/30/03). The subject matter of the '743 patent and the claimed invention were, at the time the invention was made, owned by Lam Research Corporation. Thus, the '743 patent qualifies for treatment under 35 U.S.C. §103(c).

Accordingly, the '743 patent to Boyd should be removed as prior art against the presently claimed invention.

Rejections under 35 U.S.C. § 102 regarding Cothrell et al. 4,525,955

Claims 1, 2, 6-10, 16-19, 35, 38 and 39 were rejected under 35 U.S.C. §2(b) as being anticipated by U.S. Patent 4,525,955 ('955) to Cothrell et. al. Cothrell teaches the use of belt sanding/lathing machine equipped with a device capable of blowing/removing dust/chips from the sanding area during lumbering operations. Claim 1, as currently amended, specifically recites claim elements that direct the subject matter to the semiconductor manufacturing arts, not woodworking/lumbering. As currently amended claim one provides:

An apparatus for use in a chemical mechanical planarization (CMP) system, comprising;

a head capable of being positioned at a proximate location over a polishing pad between a fluid delivery device and a wafer carrier, the head including,

an input defined in the head, the input capable of delivering a fluid at the proximate location and onto the surface of a polishing pad; and

an output in the head, the output being oriented adjacent to the input, the output capable of removing at least part of the fluid delivered onto the surface of the polishing pad.

The additional limitations of the fluid delivery device and a wafer carrier clearly differentiate the claimed CMP system from the sanding/grinding/lathing/lumbering operations of Cothrell and therefore applicants submit that claim 1 is patentable. Claims 2, and 6-10 which depend from claim 1 are likewise patentable. Similarly, independent
5 claims 16 and 35 are currently amended to include the proximate location of the claimed invention as “between a fluid delivery device and a wafer carrier”. Applicants submit that as amended independent claims 16 and 35 are patentable and that the dependent claims 17-19, and 38-39 are likewise patentable.

10 **Rejections under 35 U.S.C. § 103**

Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,626,743 ('743) or U.S. Patent 4,525,955 ('955). Claims 12-15, 20-34, 37 and 40-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over '743 or '955 in view of Pant et al. (Pant) (U.S. Patent 5,762,536). These rejections are traversed. As
15 discussed above, the '743 patent is *disqualified* as prior art under 35 U.S.C. §103(c).

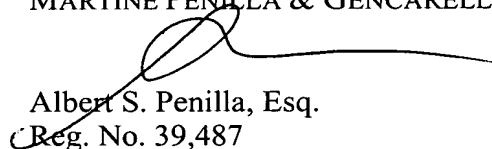
As independent claim 1 as amended is submitted to be patentable, dependent claims 4 and 5 are submitted to be patentable for at least the same reasons cited above. Additionally, the height of application specification (.1mm to 1mm) disclosed in claim 5 would likely render the '955 Cathrell et. al. device unworkable. Woodworking
20 tolerances are, by the very nature of the difference in technologies, drastically different.

Claims 12-15, 20-34, 37 and 40-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over '743 or '955 in view of Pant et al. (Pant) (U.S. Patent 5,762,536). Pant '536, commonly assigned to the assignee Lam Research Corporation, provides a linear CMP system. The claimed invention provides an improvement in the
25 processing capabilities of CMP systems like that shown by Pant '536. However, Pant does not provide further teachings that would render the recited claim elements obvious.

Claims 12-15, 20-34, 37 and 40-42 are thus submitted to be patentable as depending from amended independent claims 1, 16, and 35.

The Applicants submit that all of the pending claims are in condition for allowance. Therefore, a Notice of Allowance is requested. If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6903. Also, if any additional fees are due in connection with filing this Amendment, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P445). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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